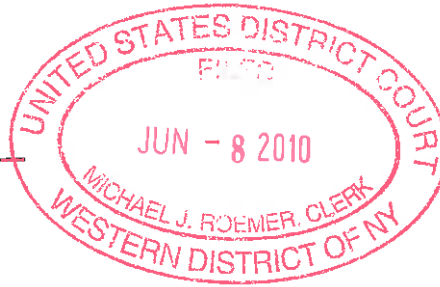


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-PS/CD-O-



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EDDIE JAMES LEE, SR.,

Petitioner,

-v-

CAROL B. WUGHTER,

Respondent.

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DECISION AND ORDER  
10-CV-6268CJS

On May 18, 2010, petitioner, Eddie James Lee, Sr., a prisoner housed at Mohawk Correctional Facility, filed a *pro se* petition under 28 U.S.C. § 2254 with respect to a judgment of conviction entered on March 16, 1994, in Monroe County, New York.<sup>1</sup> This is petitioner's second or successive petition with respect to the same judgment of conviction. Petitioner's previous § 2254 petitions were filed in the Western District under Docket Numbers 98-CV-6148T and 06-CV-6105CJS.<sup>2</sup>

According to 28 U.S.C. § 2244, before a district court may entertain a second or successive application for a writ of habeas corpus filed pursuant to § 2254, the petitioner must have first requested and obtained an order from the appropriate court of appeals which authorizes the filing of such a second or successive petition. The petition herein has not been so authorized. Therefore, in the interests of justice and pursuant to 28 U.S.C.

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<sup>1</sup> The petition was filed in the Northern District of New York and transferred to the Western District on May 20, 2010 because the petition is in respect to a conviction in Monroe County Supreme Court, which is located in the Western District of New York.

<sup>2</sup> In petitioner's prior filing, Docket No. 06-CV-6105CJS, he states his date of conviction as February 14, 1994, however, he attaches a document noting March 16, 1994 as the date of sentencing (Docket No. 1, Attachment 1, Exhibit A.). It appears that the instant petition is in respect to the same conviction as the prior filing.

§ 1631, this petition shall be transferred to the Second Circuit Court of Appeals for a determination of the authorization issue. *See Liriano v. United States of America*, 95 F.3d 119 (1996).

IT HEREBY IS ORDERED, that the petitioner's § 2254 petition is transferred to the Second Circuit Court of Appeals.

SO ORDERED.

Dated: JUNE 7, 2010  
Rochester, New York

Charles J. Siragusa  
CHARLES J. SIRAGUSA  
United States District Judge